

EXHIBIT D



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES
ATTORNEY GENERAL

EXECUTIVE DIVISION

November 19, 2021

Via Electronic Mail and Overnight Courier

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Re: Janssen New York State-Wide Settlement Agreement

Dear Counsel:

I am writing on behalf of the State of New York to provide notice of the State's compliance with certain provisions of the Janssen New York State-Wide Opioid Settlement Agreement executed on June 25, 2021 ("Agreement") prior to the *Initial Participation Date*.¹

With respect to the *Incentive Payments*, the State has satisfied the eligibility requirements for *Incentive Payment A* under Section III.C.3 of the Agreement because: (i) pursuant to New York Mental Hygiene Law § 25.18(d), there is a *Bar* in full force and effect that enjoins all *Non-Litigating Subdivisions* and *Non-Litigating Special Districts* from asserting any *Released Claims* against the *Released Entities* and extinguishes by operation of law all claims asserted by all *Litigating Subdivisions* and *Litigating Special Districts* against the *Released Entities* in any actions commenced after June 30, 2019 ("Barred Litigating Subdivisions/Special Districts"); and (ii) 100% of all *Litigating Subdivisions* with claims asserted against the *Released Entities* in actions commenced on or before June 30, 2019 have elected to participate in the Agreement by

¹ The definitions set forth in Section II of the Agreement apply to all italicized terms used in this letter.



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virtue of executing the required form of release ("Releasing Subdivisions").² The State has provided copies of the executed forms to Rubris, and a list of all Releasing Subdivisions and Barred Litigating Subdivisions/Special Districts is attached for your reference.

With respect to Section VII of the Agreement, the Attorney General has satisfied paragraph 3 by obtaining the authority to settle and release, to the maximum extent of the State's power, all *Released Claims* of the entities required and has executed a release in compliance with paragraph 3, a copy of which is attached.

Sincerely,

Andrew Amer
Special Counsel

Encls.

cc: Jennifer Levy, Esq.

² There are no *Litigating Special Districts* with actions commenced on or before June 30, 2019.

Schedule

Releasing Subdivisions

ALBANY CITY
ALBANY COUNTY
ALLEGANY COUNTY
AMHERST TOWN
AMSTERDAM CITY
AUBURN CITY
BROOME COUNTY
BUFFALO CITY
CATTARAUGUS COUNTY
CAYUGA COUNTY
CHAUTAUQUA COUNTY
CHEEKTOWAGA TOWN
CHEMUNG COUNTY
CHENANGO COUNTY
CLINTON COUNTY
COLUMBIA COUNTY
CORTLAND COUNTY
DUTCHESS COUNTY
ERIE COUNTY
ESSEX COUNTY
FRANKLIN COUNTY
FULTON COUNTY
GENESEE COUNTY
GENEVA CITY
GREENE COUNTY
HAMILTON COUNTY
HERKIMER COUNTY
HERKIMER VILLAGE
ITHACA CITY
JEFFERSON COUNTY
LACKAWANNA CITY
LANCASTER TOWN
LEWIS COUNTY
LIVINGSTON COUNTY
MADISON COUNTY
MONROE COUNTY
MONTGOMERY COUNTY

Schedule

MOUNT VERNON CITY
NASSAU COUNTY
NEW YORK CITY
NIAGARA COUNTY
OGDENSBURG CITY
ONEIDA COUNTY
ONONDAGA COUNTY
ONTARIO COUNTY
ORANGE COUNTY
ORLEANS COUNTY
OSWEGO COUNTY
OTSEGO COUNTY
PLATTSBURGH CITY
POUGHKEEPSIE CITY
PUTNAM COUNTY
RENSSELAER COUNTY
ROCHESTER CITY

ROCKLAND COUNTY
ROME CITY
SARATOGA COUNTY
SARATOGA SPRINGS CITY
SCHENECTADY CITY
SCHENECTADY COUNTY
SCHOHARIE COUNTY
SCHUYLER COUNTY
SENECA COUNTY
ST LAWRENCE COUNTY
STEUBEN COUNTY
SUFFOLK COUNTY
SULLIVAN COUNTY
SYRACUSE CITY
TIOGA COUNTY
TOMPKINS COUNTY
TONAWANDA TOWN
TROY CITY
ULSTER COUNTY
UTICA
WARREN COUNTY

Schedule

WASHINGTON COUNTY
WESTCHESTER COUNTY
WYOMING COUNTY
YATES COUNTY
YONKERS CITY

Barred Litigating Subdivisions/Special Districts

AMITYVILLE VILLAGE
BABYLON TOWN
BABYLON VILLAGE
BELLPORT VILLAGE
BROOKHAVEN TOWN
CLARKSTOWN TOWN
EAST HAMPTON TOWN
EAST ROCKAWAY VILLAGE
FARMINGDALE VILLAGE
FLORAL PARK VILLAGE
GARDEN CITY VILLAGE
GREAT NECK VILLAGE
GREENPORT VILLAGE
HAVERSTRAW TOWN
HEMPSTEAD TOWN
HEMPSTEAD VILLAGE
HUNTINGTON TOWN
ISLAND PARK VILLAGE
ISLANDIA VILLAGE
ISLIP TOWN
KINGSTON CITY
LAKE GROVE VILLAGE
LAWRENCE VILLAGE
LINDENHURST VILLAGE
LLOYD HARBOR VILLAGE
LONG BEACH CITY
LYNBROOK VILLAGE
MASSAPEQUA PARK VILLAGE
MILL NECK VILLAGE
MILLERTON VILLAGE
NEW HYDE PARK VILLAGE
NISSEQUOGUE VILLAGE
NORTH HEMPSTEAD TOWN

Schedule

NORTHPORT VILLAGE
OLD WESTBURY VILLAGE
ORANGETOWN TOWN
OYSTER BAY TOWN
PATCHOGUE VILLAGE
POQUOTT VILLAGE
PORT WASHINGTON NORTH VILLAGE
POUGHKEEPSIE TOWN
RAMAPO TOWN
RIVERHEAD TOWN
SALTAIRE VILLAGE
SMITHTOWN TOWN
SOUTHAMPTON TOWN
SOUTHOLD TOWN
STEWART MANOR VILLAGE
STONY POINT TOWN
SUFFERN VILLAGE
VALLEY STREAM VILLAGE
VILLAGE OF THE BRANCH VILLAGE
WAPPINGER TOWN
WAPPINGERS FALLS VILLAGE
WEST HAMPTON DUNES VILLAGE
WEST HAVERSTRAW VILLAGE
WESTBURY VILLAGE

Special Districts

BELLMORE FIRE DISTRICT
BOARD OF ED. OF ROCHESTER CITY SCHOOL DIST. (NY)
CENTEREACH FIRE DISTRICT
CENTERPORT FIRE DISTRICT
ERIE COUNTY MEDICAL CENTER CORPORATION, ET AL.*
HAUPPAUGE FIRE DISTRICT
HICKSVILLE WATER DISTRICT
ISLIP TERRACE FIRE DISTRICT
LEVITTOWN FIRE DISTRICT
MELVILLE FIRE DISTRICT
MERRICK LIBRARY (NY)
MILLER PLACE FIRE DISTRICT
MOUNT SINAI FIRE DISTRICT
NASSAU UNIVERSITY MEDICAL CENTER*
NESCONSET FIRE DISTRICT

Schedule

NORTH MERRICK FIRE DISTRICT
NORTH PATCHOGUE FIRE DISTRICT
PLAINVIEW - OLD BETHPAGE PUBLIC LIBRARY (NY)
PORT WASHINGTON WATER DISTRICT
RIDGE FIRE DISTRICT
ROCKVILLE CENTRE PUBLIC LIBRARY (NY)
ROSALYN WATER DISTRICT
SMITHTOWN FIRE DISTRICT
SOUTH FARMINGDALE FIRE DISTRICT
ST. JAMES FIRE DISTRICT
STONY BROOK FIRE DISTRICT
UNIONDALE FIRE DISTRICT
WEST HEMPSTEAD PUBLIC LIBRARY

*New York State is releasing these entities out of an abundance of caution, but by doing so the State is not intending to concede, and should not be construed as conceding, that these entities are "Special Districts" as that term is defined in the Agreement.

Release of Opioid-Related Claims Pursuant to the Janssen New York State-Wide Settlement Agreement and New York Mental Hygiene Law Section 25.18(d)

WHEREAS pursuant to the Janssen New York State-Wide Settlement Agreement (the “Settlement”), the State of New York, Nassau and Suffolk Counties and each Participating Subdivision and Participating Special District have released their Released Claims against Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutica, Inc. (“Janssen”) and the related Released Entities, as the terms “Participating Subdivisions,” “Special Districts,” “Released Claims” and “Released Entities” are defined in the Settlement; and

WHEREAS the Settlement provides in Section VII that, as of the Effective Date of the Settlement, Janssen and the related Released Entities will be released and forever discharged from all of the Releasers’ Released Claims, as the terms “Released Entities,” “Releasers” and “Released Claims” are defined in the Settlement; and

WHEREAS the Settlement provides in Section VII.E that Releasers (as defined in the Settlement) who are releasing claims include “to the maximum extent of the state’s power, all Released Claims of (1) the State of New York, (2) all past and present executive departments, state agencies, divisions, boards, commissions and instrumentalities with the regulatory authority to enforce state and federal controlled substances acts, (3) any of the State of New York’s past and present executive departments, state agencies, divisions, boards, commissions and instrumentalities that have the authority to bring Claims related to Covered Conduct seeking money (including abatement and/or remediation) or revocation of a pharmaceutical distribution license,” and “(4) any Participating Subdivisions,” and

WHEREAS Section 25.18(d) of the Mental Hygiene Law provides the New York Attorney General with authority, through the release of opioid-related claims in a “statewide opioid settlement agreement” executed after June 1, 2021, to: (i) release the unfiled opioid-related claims of New York government entities like those identified in Section II.DD and FF against pharmaceutical companies like Janssen, and (ii) to release opioid-related claims filed by such New York government entities after June 30, 2019 against pharmaceutical companies like Janssen; and


WHEREAS the Settlement constitutes a “statewide opioid settlement agreement” under Section 25.18(d) of the Mental Hygiene Law;

THEREFORE, pursuant to the foregoing provisions of the Settlement and the power and authority of the New York Attorney General, including under Section 25.18(d) of the Mental Hygiene Law, Janssen and the other Released Entities are, as of the Effective Date, hereby released from any and all Released Claims of New York State, any of New York State’s past and present executive departments, state agencies, divisions, boards, commissions and instrumentalities with the regulatory authority to enforce state and federal controlled substances acts (including, without limitation, the New York State Department of Financial Services), any

of New York State's past and present executive departments, state agencies, divisions, boards, commissions and instrumentalities that have the authority to bring Claims related to Covered Conduct seeking money (including abatement and/or remediation) or revocation of a pharmaceutical distribution license, and any Participating Subdivision and Special District (collectively, Releasors), as the terms "Participating Subdivisions," "Special Districts," "Released Claims," "Released Entities," and "Releasors" are defined in the Settlement. New York State (for itself and the Releasors), absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever, as the terms "Released Claims," "Released Entities," and "Releasors" are defined in the Settlement.

Dated: New York, New York
November 19, 2021

LETITIA JAMES
Attorney General of the State of New York

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